

U.S. Department  
of Transportation

United States  
Coast Guard



Commanding Officer  
United States Coast Guard  
Marine Safety Office Puget Sound

1519 Alaskan Way South, Bldg 1  
Seattle, WA 98134-1192  
Staff Symbol: mer  
Phone: (206) 217-6232  
Fax: (206) 217-6345

16600  
June 7, 2000

## ADMINISTRATIVE ORDER FOR A POLLUTION INCIDENT

Master, M/V VIRTUE (L8405751)

**SITUATION:** Your vessel, the M/V VIRTUE (SN) has experienced a propulsion casualty and is currently disabled and adrift. I have determined the M/V VIRTUE poses a substantial threat of a discharge of oil into U.S. waters.

**DIRECTIONS:** The Coast Guard is authorized by Section 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321) as amended by the Oil Pollution Act of 1990 to mitigate or prevent a substantial threat of a discharge into or on the navigable waters or the exclusive economic zone of the U.S. In order to minimize the threat to the environment and protect public health and safety, I order the following concerning the operation of the M/V VIRTUE:

1. I direct you to immediately obtain a tug of a size suitable to achieve and maintain control of the vessel until the cause of the casualty is determined and repairs made to my satisfaction. The M/V VIRTUE may not resume its transit into the Straits of Juan de Fuca without my specific approval.

**PENALTIES:** Under the Federal Water Pollution Control Act (as amended by the Oil Pollution Act of 1990), you as the responsible party are liable for mitigation of this threat of a discharge. Your liability includes, but is not limited to, all removal costs as well as any damages to the environment. Failure or refusal to provide all reasonable cooperation and assistance requested by the Federal On Scene Coordinator or failure or refusal to comply with this order will subject you to a civil penalty of up to \$27,500 per day of violation. Furthermore, you may be liable for up to three times the costs incurred by the Oil Spill Liability Trust Fund, and may be ineligible for any defense or entitlement to limited liability which might otherwise be available under these Acts.

Should you require further information regarding this matter, please contact LT Andrew Tucci at the above address and telephone number.

Sincerely,

A handwritten signature in dark ink, appearing to read "M. R. MOORE".

M. R. MOORE

Captain, U.S. Coast Guard

Federal On Scene Coordinator

Copy: Washington State Department of Ecology  
Commander, Thirteenth Coast Guard District (m)  
Commanding Officer, Vessel Traffic Service Puget Sound  
Tofino Traffic  
Transport Canada

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June 7, 2000

**ORDER 00-019 OF THE CAPTAIN OF THE PORT OF PUGET SOUND, SEATTLE, WA**

Master, M/V VIRTUE (L8405751)

**SITUATION:** The M/V VIRTUE is experiencing continued propulsion problems. While you report that your engines are now operating properly, we have received reports that your vessel continues to intermittently loose and regain propulsion capabilities. Repairs have not been made to my satisfaction, and I have already issued you an Administrative Order and a Captain of the Port Order requiring you to obtain a tug to maintain control of your vessel until safely anchored.

**DIRECTIONS:** Under the authority of the Ports and Waterways Safety Act, Title 33, U.S. Code 1221 et. Seq., and the regulations issued thereunder, Title 33, Code of Federal Regulations Part 160, I hereby order the following concerning the operation of the VIRTUE:

1. You are directed to accept tow from a tug or tugs of a size suitable to achieve and maintain control of the VIRTUE, to escort you from your current position until you take on a pilot and are safely anchored in Victoria, B.C. This order is made with the knowledge that Transport Canada Marine Safety is imposing the same requirement applicable to your transit into Canadian waters, and that they will require a second tug for anchoring purposes.

**PENALTIES:** The Ports and Waterways Safety Act prescribes that whoever violates an order issued under the act is liable to a civil penalty of not more than \$27,500 for each violation. Each day of continuing violation shall constitute a separate violation. If such a violation is willful, you are subject to a criminal penalty of not more than \$50,000 and/or five years imprisonment. This criminal penalty is classified as a class "D" felony under federal law.

This order is issued without prejudice as to the initiation of civil penalty proceedings for any violations that may have previously occurred.

**APPEALS:** Should you feel aggrieved by this order, you may, under the procedures as prescribed in 33 CFR 160.7, appeal orally or in writing to the Commander, Thirteenth Coast Guard District, Jackson Federal Bldg., 915 Second Avenue, Seattle, WA 98174. However, if the initial appeal is made orally, a written submission is required within five days of the oral presentation. While any request of appeal is pending all provisions of this order remain in effect.

**TERMINATION OF ORDER:** This order will remain in effect until cancelled by the Captain of the Port Puget Sound.

16600

June 7, 2000

**ORDER 00-019 OF THE CAPTAIN OF THE PORT OF PUGET SOUND, SEATTLE, WA**

If you have any questions, please contact my Command Center at the above address and telephone number.

Sincerely,

11511

M. R. MOORE

Captain, U. S. Coast Guard

Captain of the Port, Puget Sound

Copy: Washington State Department of Ecology  
Commander, Thirteenth Coast Guard District (m)  
Commanding Officer, Vessel Traffic Service Puget Sound  
Tofino Traffic  
Transport Canada  
Puget Sound Pilots  
Victoria Traffic  
Victoria Pilots